

MILLCREEK CITY, UTAH
ORDINANCE NO. 16---

**AN ORDINANCE OF THE MILLCREEK CITY COUNCIL
CREATING A PLANNING COMMISSION**

WHEREAS, the Millcreek City Town Council (“Council”) met in a special meeting on December __, 2016, to consider, among other things, the creation of a planning commission; and

WHEREAS, Utah Code Ann. § 10-2a-218 provides that upon canvass of the final election of city officers and until the future city becomes legally incorporated, the offices of the future city may perform certain functions including but not limited to making appointments to the city's planning commission; and

WHEREAS, on November 22, 2016, the canvass of the final election of the city officers for Millcreek City was held and thereby the Council is authorized by Utah Code Ann. §10-2a-218 to make appointments to the city's planning commission; and

WHEREAS, after careful consideration, the Council has determined that, in order to provide for the health, safety and welfare, and to promote prosperity, improve the morals, peace and good order, comfort, convenience and aesthetics of Millcreek and its present and future inhabitants and business, to protect the tax base, secure economy and governmental expenditures, foster the state’s agricultural and other industries, protect both urban and non-urban development, and to protect property values, a planning commission should be created;

NOW, THEREFORE, BE IT ORDAINED by the Council that the following be adopted to establish a planning commission.

Section 1 – Purpose. It is the intent of this Ordinance that a Planning Commission (“Commission”) be created which will represent the concerns of diverse citizen groups, as well as the broad interests of the community as a whole, and reflect the laws of the State; that membership of this commission provide balanced representation in terms of geographic, professional, neighborhood and community interest; and that a wide range of expertise relating to development of a healthy and well-planned community be sought when establishing or altering the composition of the membership of the Commission. Suggested interests from whom expertise might be selected are as follows: banking, development, contracting, engineering, geology and seismology, law, ecology, the behavioral sciences, historical preservation, architecture and landscape architecture. It is not, however, intended that the composition of the Commission be limited to professionals, but rather, that it represent a cross-section of the community.

Section 2 – Appointment. The Commission shall be comprised of seven members and two alternate members. Members of the Commission shall be appointed by the Mayor, with the advice and consent of the Council; except for the initial terms as provided below, terms shall be for four years. Appointment shall be by resolution of the Council. The initial members of the Commission shall be appointed as follows:

The seven initial members and two alternate members shall be appointed on the effective date of this Ordinance, or as soon as practical thereafter. Two appointees shall serve an initial term which shall expire on June 30, 2018, two appointees shall serve an initial term which shall expire on June 30, 2019, two appointees shall serve an initial term which shall expire on June 30, 2020, and one appointee shall serve an initial term which shall expire June 30, 2021. The two alternate members shall serve an initial term which shall expire June 30, 2019.

Section 3 – Term Limitation. Members of the Commission may serve successive terms.

Section 4 – Residence Requirement. All appointed members of the Commission must be *bona fide* residents and qualified electors of Millcreek.

Section 5 – Compensation and Reimbursement of Expenses. Members of the Commission shall not receive compensation or reimbursement of any expenses, unless this policy is modified by the Council.

Section 6 – Removal and Vacancies. Members of the Commission may be removed by the Mayor with the advice and consent of Council. Any vacancy occurring on the Commission shall be promptly filled by the Mayor with the advice and consent of the Council for the unexpired term of such member. Any vacancy occurring on the Commission by reason of expiration of term shall be promptly filled by the Mayor with the advice and consent of the Council.

Section 7 – Officers. The Commission shall annually elect a chair, a vice chair, and such other officers it deems advisable from among its members. The chairman and such other officers elected by the Commission shall serve for a term of one year and may serve successive terms.

Section 8 – Quorum. Four members of the Commission shall constitute a quorum.

Section 9 – Procedure. The Commission shall adopt rules of order and procedure for use by the planning commission in a public meeting and for any other purposes considered necessary for the functioning of the Commission. Such policies and procedures shall be approved by the Council before taking effect.

Section 10 – Powers and Duties. The Commission shall make a recommendation to the Council for:

- (1) a general plan and amendments to the general plan;
- (2) land use ordinances, zoning maps, official maps, and amendments;
- (3) an appropriate delegation of power to at least one designated land use authority to hear and act on a land use application;
- (4) an appropriate delegation of power to at least one appeal authority to hear and act on an appeal from a decision of the land use authority; and

(5) application processes that:

(a) may include a designation of routine land use matters that, upon application and proper notice, will receive informal streamlined review and action if the application is uncontested; and

(b) shall protect the right of each:

(i) applicant and third party to require formal consideration of any application by a land use authority;

(ii) applicant, adversely affected party, or municipal officer or employee to appeal a land use authority's decision to a separate appeal authority; and

(iii) participant to be heard in each public hearing on a contested application.

(6). Exercise any other powers that are necessary to enable it to perform its functions that are delegated to it by the Council, or conferred upon it by statutes of the state of Utah.

Section 11 – Meetings. The Commission shall establish their meeting schedule. Such meeting schedule shall be approved by the Council before taking effect. All meetings, including any necessary public hearings, shall be held after the regular working hours of Millcreek City. All meetings and public hearings of the Commission shall be public meetings, and comply with the provisions of UTAH CODE ANN. § 52-4-1, *et seq.*, and be held in a public place designated by the Commission and shall be of sufficient size to ensure public access.

Section 12 – Effective Date. This Ordinance shall take effect immediately.

PASSED AND APPROVED this __ day of December, 2016.

MILLCREEK CITY COUNCIL

By: _____
Jeff Silvestrini, Mayor elect

ATTEST:

Acting Recorder